

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

September 5, 2007

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hannum at 9:09 a.m. September 5, 2007.

- (a) Commissioners were present at the Commission meeting:

Diana M. H. Brenner
Michael Corey
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
Kevin Goeden, representing the Commissioner, Department of Labor
David Hannum, Chairman
John Hawkins
M. Burke Jones
Ted Ogle

Commissioners not present at the Commission meeting:

Michael Christoffersen
Jay Gore
James Ridley

- (b) The following departmental and support staff were present during the meeting:

Agency Support Services, Legal and Code Services
Mara Snyder, Director, Legal and Code Services
William Teegarden, Executive Administrative Law Judge
John Haines, Code Specialist
John Hibner, Code Specialist
Raleigh Kouns, Code Specialist
Bob Robinson, Code Specialist
Beth Sutor, Secretary

2. **Old Business.**

Chairman Hannum called for any corrections or a motion to approve the minutes of the August 7, 2007 meeting as distributed. A motion to approve the minutes as distributed was made by Commissioner Ogle and seconded by Commissioner Jones. It was voted upon and carried.

3. **Third Party Approval.**

Mara Snyder, Director of Code and Legal Services, requested that this item be heard later in the meeting to allow a representative of Fire and Building Code Enforcement to be present. Chairman Hannum granted the request.

4. **Variances.**

Tabled Variances.

Variance 07-06-9, College Wesleyan Church, Marion, and variance 07-06-21(e), Honda P2MF, Greensburg were withdrawn by their respective proponents. Variance 07-06-60, National Auto & Truck Museum Service Building Sprinkler, Auburn, was represented by Don Grogg. He explained that a door which will be closed automatically at the activation of smoke alarms will be installed between the two sides of the building. The smoke alarm activation will also trigger strobes and audible alarms. After discussion, Commissioner Brenner moved to approve, with the second by Commissioner Cundiff. It was voted upon and carried. Variance 07-08-6 Drifty's Sport Pub, Indianapolis, was represented by Timothy Callas, J & T Consulting. The existing space had been a bar since 1988, and had been expanded beyond allowable space before the current occupant took possession. He was cited for lack of sprinklers during an inspection. A third exit has been added as an alternative to sprinklering the space. After discussion, Commissioner Cundiff moved to approve with the condition that no pyrotechnics be allowed on site. Commissioner Ogle made the second. It was voted upon and carried. Variance 07-08-12 Marion County Jail Fire Alarm System Replacement, Indianapolis, was represented by Ralph Gerdes, Ralph Gerdes Consultants. As requested, Mr. Gerdes provided a sample of the smoke detector cover he was requesting to use. The cover is not UL listed for the detectors they have installed, and the listed covers are felt to be inadequate protection for this situation. After discussion, Commissioner Cundiff moved to deny with the second by Commissioner Brenner. It was voted upon and carried with one nay vote cast.

Regular Variances.

Variance 07-09-5, 07-09-11, 07-09-24, 07-09-25(b), 07-09-26(a)(c), 07-09-30, and 07-09-34 were called out for individual consideration. Commissioner Brenner abstained from voting on 07-09-22 Day Nursery Minton-Capehart Federal Building, Indianapolis. Commissioner Jones made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Corey. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 07-07-3(b) South West Easter Seals, Evansville
- (2) 07-09-2 Calvary Christian School, Indianapolis
- (3) 07-09-3 Goshen College, Goshen
- (4) 07-09-4 Marriott East Hotel, Indianapolis
- (5) 07-09-9 Parkview Huntington Family YMCA, Huntington
- (6) 07-09-10 Brownsburg High School Classroom Addition & Performing Arts, Brownsburg
- (7) 07-09-13(a)(b) Lake Pointe Center 5, Indianapolis
- (8) 07-09-17 Naab Road Medical Pavilion, Indianapolis
- (9) 07-09-18 Panattoni Business Park Building 2, Carmel
- (10) 07-09-19(b) Kroger Store Expansion, Bloomington

- (11) 07-09-20 Kim Rocca Building, Evansville
- (12) 07-09-23(a) Verus 1 – TI Entertainment Distribution Group, Whitestown
- (13) 07-09-25(a) Greensburg Community Junior High School, Greensburg
- (14) 07-09-26(b) Meadow Lakes Residential Care Addition, Mooresville
- (15) 07-09-27 Lilly M28- Vacant Building, Indianapolis
- (16) 07-09-28 Southport Crossing Buildings 1 & 2, Indianapolis
- (17) 07-09-29(b) 115 South Meridian Condominiums, Indianapolis
- (18) 07-09-36 Addition to the Heritage Christian School, Indianapolis

The following variances were heard separately:

- (19) 07-09-1 Ridge View Elementary School, Hobart

Tony Skimehorn, Director of Support Services, spoke as proponent. The request was to allow the removal of valves and piping from the hose cabinets. The fire hoses have already been removed, and the fire department would use the fire hydrants in front of the building. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (20) 07-09-5 Community Foundation of NW Indiana Emergency Dept & West Pavilion, Munster

David Otte, Community Foundation, and Philip Bachman, VOA Associates, spoke as proponents. The request was to omit the seismic requirements. Reference was made to a previously granted variance to which this variance was thought to be identical. A request to hear the application later in the meeting to allow the previous variance to be retrieved from the files was made by Mara Snyder and approved by the Chairman.

- (21) 07-09-6 Hot Springs Spas of Indianapolis Moveable Gazebo, Noblesville

Richard Voight, owner, spoke as proponent. He explained how a sample gazebo had been erected inside the store, covering an empty hot tub. He was told by the local fire official he would need to sprinkle it since it disrupts the building's sprinkler pattern. After discussion if the gazebo should be considered sales merchandise or part of the building, Commissioner Hawkins moved to approve. Commissioner Brenner made the second. It was voted upon and carried.

- (22) 07-09-7 Kokomo Roller Rink LLC, Kokomo

Charles Ellis, Tozai Architecture, and Dan Dumoulin II, owner, spoke as proponents. An existing lumber warehouse building is being converted to a roller rink. The rink itself is 9,000 square feet and the party room, restroom facilities, and the loft puts it over-area. Since the building is over the allowable area for a Group A-3 occupancy, it is required to be sprinklered. The building is not close to a city water supply and the cost of \$40,000-\$50,000 to access it would be a hardship. The building has easy access for the fire trucks on all sides of the facility, and smoke detectors and an occupancy limit of 299 people were offered. The unused retail area is separated by a 2-hour fire wall. After discussion, Commissioner Cundiff moved to deny with the second by Commissioner Jones. Further discussion was held and the motion to deny was withdrawn. Commissioner Cundiff then moved to table with the second by Commissioner Hawkins. It was voted upon and carried.

- (23) 07-09-8 Remington Hybrid Seed Company, Remington

Mark Doenges, Doenges & Sons, spoke as proponent. A new special use elevator is being installed in an existing hoistway, and the request was to allow 19" clearance at the top of the car instead of the required 30". This unit is used by trained personnel, not by the general public. The motor will be on the side of the car which will be run by constant pressure on the controls, and the hoistway will be enclosed at the landings but not between. After discussion, Commissioner Corey moved to approve with the condition a sign is posted on the crosspiece stating there is no headroom. Commissioner Cundiff made the second. It was voted upon and carried.

- (24) 07-09-11 500 Walnut Street Condos, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow travel distances of 52 feet for Unit A & B, and 65 feet for Unit C. The buildings are sprinklered per NFPA 13R, and smoke detectors are provided. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Jones. It was voted upon and carried.

- (25) 07-09-12(a)(b) The Maxwell, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. For Variance (a), the request was to omit elevator vestibules in the mid-rise condominium building. After discussion, Commissioner Cundiff moved to approve. The second was made by Commissioner Ogle. It was voted upon and carried. Variance (b) was a request to allow the standpipe to be on the main floor levels. To place them in a code-compliant location would expose them to weather and the chance of freezing. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (26) 07-09-13(c) Lake Pointe Center 5, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (c) requested permission to have stairway doors which locked from the inside. After discussion of this and similar variances which had been granted, Commissioner Hawkins moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (27) 07-09-14 Indiana Wood Products Addition, Middlebury

Tim Callas, J & T Consulting, spoke as proponent. The request is to omit the 3-hour fire wall between an unsprinklered, existing building and a sprinklered addition. The wall would restrict the manufacturing of pallets from green wood which are then held in the sprinklered building for shipment. The unsprinklered building is scheduled for replacement within 5 years. After discussion, Commissioner Cundiff moved to approve with the condition that the building be demolished by December, 2012, and that it is to be empty during off hours. Commissioner Ogle made the second. It was voted upon and carried.

- (28) 07-09-15 Shishewana Town Center Car Museum, Shishewana

Tim Callas, J & T Consulting, spoke as proponent. The request was to use 15 square feet per person instead of 7 square feet per person for the calculation of exit width. The building will have 44 cars on permanent display which reduces the amount of usable floor space, thereby affecting the calculations.

The building is sprinklered and separated by a 2-hour fire wall. Commissioner Ogle moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (29) 07-09-16 Southeast Bay Condominiums, Syracuse

Tim Callas, J & T Consulting, acted as proponent. He requested the application be tabled for one month. Commissioner Jones moved to table with the second by Commissioner Corey. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:16 am. He then reconvened the meeting, calling it back to order at 10:32 am.

- (30) 07-09-5 Community Foundation of NW Indiana Emergency Department – West Pavilion, Munster

Philip Bachman, VOA Architecture, and David Otte, spoke as proponents. The previous variance referred to earlier was located and was identical to this application and did not list any alternatives. The addition sits on caissons and is a concrete frame. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (31) 07-09-19(b) Kroger Store Expansion, Bloomington

John Berry, architect, spoke as proponent. The request was to allow an enclosed mezzanine with two means of egress which do not directly access an exit. The building will be sprinklered, and 3-hour fire walls will separate the Kroger from unsprinklered neighboring tenants in the strip mall. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (32) 07-09-21 Avon Cedar Elementary School, Avon

Ed Rensink, RTM Consultants, spoke as proponent. The request was to delete the standpipe for the stage area which will be used for plays and musical presentations by the children which will not involve extensive scenery and props. An exit with direct access to the exterior is 50 feet from the stage. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (33) 07-09-22 Day Nursery Minton-Capehart Federal Building, Indianapolis

Ed Rensink, RTM Consultants, asked that this variance be heard later in the proceedings. The proponent was to be Christina Colleston who had been delayed at another hearing and would arrive shortly. The request was granted by Chairman Hannum.

- (34) 07-09-23(b) Verus 1 – TI Entertainment, Whitestown

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow a 1,000 foot travel distance to the restrooms from the rear of the warehouse. The employees are all ambulatory, and many drive forklifts as part of their duties. After discussion, Commissioner Cundiff moved to approve. Commissioner Jones made the second. It was voted upon and carried.

- (35) 07-09-24 Crowne Plaza Hotel – Airport, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit smoke control systems in the small addition to the front entrance. The addition increased the volume by 8.7%, and fans are being added to accommodate the increase. Commissioner Brenner moved to approve. It was seconded by Commissioner Ogle, voted upon and carried.

- (36) 07-09-25(b)(c) Greensburg Community Junior High School, Greensburg

Ed Rensink, RTM Consultants, spoke as proponent. The addition will make the existing building over-area for Type II-B. Areas outside the 2-hour separation will be sprinkled, and sprinkler curtains will be installed over openings in the fire barrier by the cafeteria. After discussion, Commissioner Hawkins moved to approve both variance (b) and (c). Commissioner Brenner made the second. It was voted upon and carried.

- (37) 07-09-26(a)(c) Meadow Lakes Residential Care Addition, Mooresville

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was to allow several opening in the fitness room corridor to be glass doors and sidelights. Variance (c) dealt with duct penetrations of the 1-hour corridor. The ducts will be sheet metal and a smoke detection system will close the ducts upon activation. After discussion, Commissioner Hawkins moved to approve both variances. The second was made by Commissioner Brenner. It was voted upon and carried.

- (38) 07-09-29(a)(c) 115 South Meridian Condominiums, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request for (a) was to allow the existing stairway which will be enclosed by the addition to be used as a required stairway though it has rise and run of 7¼" and 10" instead of code required 7" and 11". It also has a continuous run without a landing 2 feet longer than allowed by current code. Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (c) was to allow 5th floor exterior windows on the property line. The building will be sprinklered per NFPA 13, and the windows will have close spaced sprinklers. Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (39) 07-09-30 500 Festival Offices, Indianapolis

Doug Trent, RTM Consultants, spoke as proponent. The request was to allow the first floor and mezzanine to be sprinklered now, and the rest of the building to be sprinklered as other tenants move into offices. The whole building will be sprinklered within three years. Commissioner Hawkins moved to approve with the condition that the first floor and mezzanine would be sprinklered immediately, and that each complete floor would be sprinklered within three years. The second was made by Commissioner Brenner. It was voted upon and carried.

- (40) 07-09-31 The Penthouses at West Clay, Carmel

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the brick veneer of the building to extend beyond the 30' allowed by code in some areas due to the design of the building and brickwork patterns involved. She presented information from the project engineer stating the 50

continuous feet of brick would exert a pressure of 46 psi while the allowable bearing pressure for this type of veneer brick was 750 psi. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (41) 07-09-32 St. Elizabeth Hospital East, Lafayette

Rodney McCulloh, RTM Consultants, spoke as proponent. The request was to allow a 1-hour smoke barrier instead of a 3-hour fire wall required by code. The hospital and medical office building will be owned by two separate entities, but will be designed and constructed as a single building. Patients will be moved from one section to the other for procedures and a fire barrier will allow that. The buildings will be of the same construction type, fully sprinklered, and equipped with alarms throughout. Ron Richey, Lafayette Fire Department, addressed the Commission stating he had no objections to the project. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (42) 07-09-33 The Village at 10th & College, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request is to allow residential units in the lower levels of a Type 1-A building. The units, as well as the building, are sprinklered. They will be separated from the garage area by a 3-hour horizontal assembly or a 3-hour fire barrier, and they have direct egress to the exterior. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

- (43) 07-09-34 Boston Scientific Spencer Campus Fire Pump, Spencer

Andy Ewald, Dimond & Associates, spoke as proponent. A fire pump not required by code is to be installed at the request of an insurance company. The request is to allow the pump to be fed from the campus 6" line instead of the required 8" line, at a reduced pressure due to concerns about the line being able to support the pump. After discussion, Commissioner Cundiff moved to table with the second by Commissioner Ogle to allow the proponent time to make further calculations. It was voted upon and carried.

- (44) 07-09-35(a)(b) Lindberg Road Church of Christ School Addition, Anderson

John Reynolds, JFR Associates, spoke as proponent. The request in (a) was to allow a door to swing into the sprinklered elevator passageway. Variance (b) is to allow the re-use of the existing door which is not 2-hour rated between the existing building and addition. The vestibule is sprinklered. After discussion, Commissioner Hawkins moved to approve both with the condition that a sprinkler head be located on both sides of the vestibule doorway. Commissioner Ogle made the second. It was voted upon and carried.

- (45) 07-09-37 Casler's, Fishers

Paul Myrzyn, owner, and Chris Horbith, engineer, spoke as proponent. Because the canopy is attached to the building and has been fitted with heaters, the local fire department felt it should be sprinklered. The canopy is of flame-retardant material and the heaters are used infrequently during winter months. The building is of brick and steel construction. After discussion, Commissioner Ogle moved to approve. Commissioner Hawkins made the second. It was voted upon and carried.

- (46) 07-09-38 Southport Crossing Building 1 & 2, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. One corner of the required 60' open side yard is not compliant. It faces the open plot of land owned by Meijer which is used for their signs and will not be developed. The buildings are protected throughout with ESFR sprinklers. Commissioner Cundiff moved to approve. Commissioner Hawkins made the second. It was voted upon and carried.

- (47) 07-09-22 Day Nursery Minton-Capehart Federal Building, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. An existing variance is due to expire January 1, 2008. The project, which is funded by Congress and subject to delays, is not expected to be completed by the January date. The request is to extend the variance for three years. The building is being sprinkled, has smoke detectors and voice enunciators. After discussion, Commissioner Ogle moved to approve for three years with the second by Commissioner Jones. It was voted upon and carried.

- (48) 07-09-39 1200 Madison Avenue, Indianapolis

Charles Ernstes and Gary Herrington, Metro Elevator, spoke as proponents. The Seradyn Building is being renovated and two elevators built by manufacturers not seen in Indiana before are being installed. These are machine room-less elevators which complies with ASME A17.1S 2005. After discussion, Commissioner Corey moved to approve with the condition that a service barrier be provided, training for state inspectors for this type unit is to be provided, and the manufacturer is to be present at the installation, inspection and hand-over of the unit. Commissioner Ogle made the second. It was voted upon and carried.

- (49) 07-09-40 Davies County Museum, Washington

Andrew Myszak, architect, Ray Peed and Cliff McDaniel, ABC Elevator, spoke as proponents. The third floor of the building hold handicapped accessible restrooms, and the lift must be in the proposed location to reach the third floor. The request was for additional travel distance for the platform lift. After discussion, Commissioner Corey moved to approve with the condition that the unit be installed to comply with the requirements of a limited use - limited access (LULA) lift under A17.1, 2004 edition. Commissioner Ogle made the second. It was voted upon and carried.

6. **New Business – General.**

Discussion and Possible Commission Action

Renaissance Bay
Administrative Cause No. 07-18
Denial of Variance
Nonfinal Order of Dismissal

Commissioner Ogle moved to approve the Nonfinal Order of Dismissal. Commissioner Jones made the second. It was voted upon and carried.

River City Elevator
Administrative Cause No. 06-47
Elevator Order
Notice of Filing Report, Findings of Fact, and
Nonfinal Order of Administrative Law Judge

Commissioner Ogle moved to affirm with the second by Commissioner Cundiff. It was voted upon and carried.

Discussion and Commission Action On Petitions For Review (All are timely field unless otherwise noted.)

Valparaiso University NE Parking Ramp
Order – Elevator and Amusement Safety Division

Bodner King Code – Envus Building
Denial of Variance 07-08-34

Subway Restaurant
Order – Allen County Building Department

Perry Manufacturing
Order – Indianapolis Fire Department

Foster Builders, Inc.
Condition of Project No. 327564

Commissioner Jones moved to approve the petitions for review that had been timely filed.
Commissioner Corey made the second. It was voted upon and carried.

Kiddie Prep School
Order – Fire and Building Code Enforcement Division
Not timely filed

Burton United Methodist Stairlift
Order – Elevator and Amusement Safety Division
Not timely filed

Commissioner Cundiff moved to deny the petitions for review that had not been timely filed.
Commissioner Ogle made the second. It was voted upon and carried.

7. **Third Party Approval**

Progressive Engineering, Inc.
58640 State Road 15
Goshen, Indiana

Speaking for Shelley Wakefield, Director of Fire and Building Code Enforcement Division, Mara Snyder presented Progressive Engineering, Inc. for consideration with recommendation for approval. Commissioner Jones moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

8. **Discussion of Proposed Codes.**

Mara Snyder, Director, Code and Legal Services, had distributed copies of the proposed Building Code, Fire Code, Mechanical Code, Fuel Gas Code amendments, and amendments to the 2005 Indiana Residential Code to the Commission at the August Commission meeting. The members of staff who had prepared the proposed codes were asked to present a short synopsis of each to the Commission. In order to stay within the timeline for adoption, the notices would need to be published in the Register before Halloween to hold hearings in December. There would be a 90 day effective date delay to allow people to buy the new codes, but the codes need to be effective by June 2008.

9. **Comments.**

There were no closing comments.

10. **Adjournment.**

Chairman Hannum called for further business. There being none, he adjourned the meeting at 12:54 p.m.

APPROVED

David Hannum, Chairman